

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR192
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
THOMAS MARTIN BEATTY,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 42). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to ¶¶ 27, 39, 40, 41, 43 and 45 of the PSR.

¶ 27 - U.S.S.G. § 2B5.1(b)(4) - Firearm Enhancement

The Defendant argues “no evidence exists” to support the 2-level enhancement for a 5.65 mm PWA Commando rifle possessed “in connection with the offense.” The PSR states that when a search warrant was served on the Defendant's residence the firearm was found “among the counterfeiting items.” (PSR, ¶ 15.) The objection is denied.

¶¶ 39, 40, 41, 43 - Various Criminal History Matters

The Defendant reiterates objections made to the probation officer. These objections are denied for the reasons stated in the Addendum to the PSR.

IT IS ORDERED:

1. The Defendant’s objections to the PSR are denied;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 15th day of November, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge